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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/808,801 | 03/25/2004 | Tien-J Bao | TS02-262CIP |

STEPHEN B. ACKERMAN
 28 DAVIS AVENUE
 POUGHKEEPESE, NY 12603



CONFIRMATION NO. 6033
 FORMALITIES LETTER
 OC000000014447002
 OC000000014447002

Date Mailed: 11/24/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 21 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

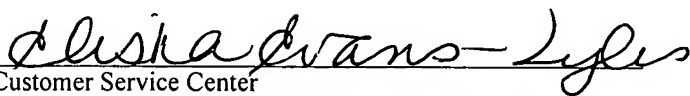
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required.

A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------|-----------------------------|---|-------------|-------------|
| Applicants: | Tien-J Bao, et al. | § | Docket No.: | TS02-262CIP |
| | | § | | (24061.480) |
| Serial No.: | 10/808,801 | § | | |
| | | § | Examiner: | TBD |
| Filing Date: | March 25, 2004 | § | | |
| | | § | Art Unit: | 2834 |
| Entitled: | Method for Forming Openings | § | | |
| | in Low-K Dielectric Layers | § | Conf. No.: | 6033 |
| | | § | | |

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Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION
Filing Under 37 CFR 1.53(b)

Dear Sirs:

In response to the Notice of Omitted Item(s) in a Nonprovisional Application mailed November 24, 2004, enclosed are the following:

1. Return Copy of Notice of Omitted Item(s) in a Nonprovisional Application;
2. Petition;
3. Check in the amount of \$130.00; and
4. return receipt postcard.

Applicant respectfully requests that the application maintain the filing date of March 25, 2004, which is the original date of deposit of the application papers.

The Commissioner is hereby authorized to charge any deficiency fees or credit any overpayments associated with this communication to Deposit Account No. 08-1394 of Haynes and Boone, LLP. **This form submitted in duplicate.**

Respectfully submitted,

David M. O'Dell
Registration No. 42,044

Date: 1-24-09

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202
Telephone: 972-739-8635
Facsimile: 214-200-0853

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| CERTIFICATE OF MAILING |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date indicated below: |
| <u>Bonnie Boyle</u> |
| Name |
| <u>1-24-05</u> |
| Date |

Hoo, T. I.
et al

TS022621P
Mailing date:

3/25/04

Method for forming opening in
Low-K dielectric layers

APR. 02 2004

Express mail: EV31911429US

15364 U.S. PTO
10/808801

Fee: \$846.

Sheets: 7

1. Claims: 22

2. Claims: 2

New Patent Appl.

32 pages

3 mos. lat: 930.



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Rec'd by PTO